

REMARKS

1. Present Status of Patent Application

In response to the non-final office action dated March 23, 2005, Applicant respectfully requests reconsideration based on the foregoing amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

2. Indication of Allowable Subject Matter

Applicant greatly appreciates the Examiner's statement in the previous Office Action in which claims 6, 7, 10-12, 18-19, 22-24, 30-31, and 34-36 have been indicated as allowable if rewritten in independent form.

3. Examiner Interview

Applicant further wishes to express his sincere appreciation for the time that Examiner Charioui spent with Applicant's Attorney, Charles Griggers, during a telephone discussion on April 26, 2005 regarding the outstanding Office Action. In particular, during that conversation, potential claim amendments were discussed, which the Examiner indicated may be potentially beneficial. Accordingly, the proposed amendments are included in the present paper. Thus, Applicant respectfully requests that Examiner carefully consider this response and the amendments.

4. Response to Objection of Claims 6-7, 10-12, 18-19, 22-24, 30-31, and 34-36

Claims 6, 7, 10-12, 18-19, 22-24, 30-31, and 34-36 have been indicated as allowable if rewritten in independent form. Accordingly, the claims have been amended and are believed to overcome the stated objection.

5. Response To Rejection of Claims 1-5, 8-9, 13-17, 20-21, 25-29, and 32-33 Under 35 U.S.C. §103(a)

In the Office Action, claims 1-5, 8-9, 13-17, 20-21, 25-29, and 32-33 stand rejected under 35 U.S.C. §103(a) as purportedly being obvious over *Staphanos* (U.S. Patent Publication No. 2002/0134083) in view of *Melamed* (U.S. Patent Publication No. 2004/0107415). For a proper

rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

a. Claim 1

Without addressing the validity of the rejection, claim 1 has been canceled without prejudice, waiver, or disclaimer, and therefore the rejection has been rendered moot.

b. Claims 2-5 and 8-9

Claims 2-5 and 8-9 contain all the features of independent claim 10. As provided in independent claim 10, Applicant claims:

A web-based generator testing and monitoring system comprising:
monitoring logic operable monitor at least one AC output signal associated
with an AC plant; and

web server logic coupled to the monitoring logic and to a network, the web server logic being operable to retrieve said at least one AC output signal, wherein the web server is operable to receive an input from the user and instruct a commercial power failure to be simulated at a house service panel responsive to the input from the user.

(Emphasis added).

Applicant respectfully submits that independent claim 10 is allowable for at least the reason that *Staphanos* in view of *Melamed* does not disclose, teach, or suggest at least the feature of “web server logic coupled to the monitoring logic and to a network, the web server logic being operable to retrieve said at least one AC output signal, wherein the web server is operable to receive an input from the user and instruct a commercial power failure to be simulated at the house service panel responsive to the input from the user,” as recited in claim 10. In particular, neither *Staphanos* nor *Melamed* disclose, teach, or suggest at least the feature of instructing a commercial power failure to be simulated at a house service panel.

Because independent claim 10 is allowable over the cited art of record, its dependent claims 2-5 and 8-9 are allowable as a matter of law, for at least the reason that the dependent claims contain all the features and elements of their respective independent claim 10. *In re Fine*, 837 F.2d

1071 (Fed. Cir. 1988). Additionally and notwithstanding the foregoing allowability of claims 2-5 and 8-9, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

c. Claim 13

Without addressing the validity of the rejection, claim 13 has been canceled without prejudice, waiver, or disclaimer, and therefore the rejection has been rendered moot.

d. Claims 14-17 and 20-21

Claims 14-17 and 20-21 contain all the features of independent claim 22. As provided in independent claim 22, Applicant claims:

A web-based generator testing and monitoring system comprising:
monitoring at least one AC output signal associated with an AC plant;
receiving an input from the user requesting to simulate a
commercial power failure; and
***instructing the test logic to simulate the commercial power
failure responsive to receiving the request from the user to simulate the
commercial power failure.***

(Emphasis added).

Applicant respectfully submits that independent claim 22 is allowable for at least the reason that *Staphanos* in view of *Melamed* does not disclose, teach, or suggest at least the feature of “instructing test logic to simulate the commercial power failure responsive to receiving the request from the user to simulate the commercial power failure,” as recited in claim 22.

Because independent claim 22 is allowable over the cited art of record, its dependent claims 14-17 and 20-21 are allowable as a matter of law, for at least the reason that the dependent claims contain all the features and steps of their respective independent claim 22. Additionally and notwithstanding the foregoing allowability of claims 14-17 and 20-21, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

e. Claim 25

Without addressing the validity of the rejection, claim 25 has been canceled without prejudice, waiver, or disclaimer, and therefore the rejection has been rendered moot.

f. Claims 26-29 and 32-33

Claims 26-29 and 32-33 contain all the features of independent claim 34. As provided in independent claim 34, Applicant claims:

A computer readable medium having a program for web-based remote generator testing and monitoring, the program comprising the steps of:
monitoring at least one AC output signal associated with an AC plant;
receiving an input from the user requesting to simulate a commercial power failure; and
instructing test logic to simulate the commercial power failure responsive to receiving the request from the user to simulate the commercial power failure.

(Emphasis added).

Applicant respectfully submits that independent claim 34 is allowable for at least the reason that *Staphanos* in view of *Melamed* does not disclose, teach, or suggest at least the feature of “instructing test logic to simulate the commercial power failure responsive to receiving the request from the user to simulate the commercial power failure,” as recited in claim 34.

Because independent claim 34 is allowable over the cited art of record, its dependent claims 26-29 and 32-33 are allowable as a matter of law, for at least the reason that the dependent claims contain all the features and steps of their respective independent claim 34. Additionally and notwithstanding the foregoing allowability of claims 26-29 and 32-33, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

CONCLUSION

Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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